

## Staff Summary Report

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Council Meeting Date: 12/12/02

Agenda Item Number: 45

q-j

**SUBJECT:** This is the first public hearing for Tattooed Planet for a use permit for a change of business ownership located at 202 East University Drive.

**DOCUMENT NAME:** 20021212dsrh05

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold the first public hearing for **TATTOOED PLANET** (John Boydston, property owner; JGJ Enterprises Inc., Glenn Rea, business owner) **#SIP-2002.87** for a 1,200 s.f. tattoo and body piercing studio including a tattoo museum in the CCD Zoning District, located at 202 East University Drive, including the following:

Previous Condition of Approval:

2. The applicant shall comply with previous conditions of approval, numbers 1, 3, 4, and 5 from City Council letter dated October 1, 1999. (1. "The use permit is non-transferable and is issued to the current owner of Tattooed Planet only.")

**PREPARED BY:** DeeDee (D<sup>2</sup>) Kimbrell, Planner II (480-350-8438)

**REVIEWED BY:** Steve Venker, Planning & Zoning Manager (480-350-8920)

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Approval

**ADDITIONAL INFO:** On May 11, 2000, the City Council approved the request for a time extension of a previous Council condition of approval. With that approval, condition #2 stated that the applicant shall comply with previous conditions of approval. The condition that is in effect with this application is the one regarding that the use permit was issued only to the owner of Tattooed Planet and non-transferable. Now the new business owner is requesting a use permit to change the business ownership. The new owner has no intent to change the current business operation. Staff is in support of the request. The Code Compliance Division staff has been working with the applicant prior to the use permit application. Staff is recommending a 1-year time frame for further review. This is consistent with previous recommendations for similar businesses. To date, no public input has been received. **Note: On October 17, 2002, City of Tempe's Code Enforcement Division cited the new owner of Tattooed Planet for operating their business without a use permit.**

- ATTACHMENTS:**
1. List of Attachments
  2. History & Facts / Description / Comments
  3. Reasons for Approval / Conditions of Approval

- A. Location Map
- B. Site Plan
- C. Floor Plan
- D. Letter of Explanation/Intent
- E. Tattoo & Piercing Consent and Waiver Form
- F. Aftercare Information
- G. Notice from Code Enforcement

## HISTORY & FACTS:

<u>August 10, 1967.</u>	Building permit was issued.
<u>April 5, 1972.</u>	Design Review Board approved a building addition, subject to three conditions.
<u>September 30, 1999.</u>	City Council approved the request by Tattooed Planet for a use permit for a tattoo and body-piercing studio. The approval was made subject to 6 conditions, including a 6-month review of operation and compliance with previous conditions of approval.
<u>May 11, 2000.</u>	City Council approved the request by Tattooed Planet for a time extension of a previous council condition of approval.
<u>October 17, 2002.</u>	Code Enforcement cited the new owner of Tattooed Planet for operating their business without a use permit.

**DESCRIPTION:** Owner – John Boydston  
Proposed business owner – JGJ Enterprises Inc., Glenn Rae  
Applicant – Glenn Rae  
Existing zoning – CCD  
Building area – 1,200 s.f.  
Proposed leased area – 1,200 s.f.  
Parking required – 5 spaces  
Total parking provided for center – 34 spaces

**COMMENTS:** On May 11, 2000, the City Council approved the request for a time extension of a previous Council condition of approval. With that approval, condition #2 stated that the applicant shall comply with previous conditions of approval. The condition that is in effect with this application is the one regarding that the use permit was issued only to the owner of Tattooed Planet and non-transferable. Now the new business owner is requesting a use permit to change the business ownership.

The parlor currently has five (5) tattoo artists and five (5) piercers providing tattoo and piercing services daily. They generally have one (1) manager, one (1) tattoo artist and one (1) piercer on duty during business hours. They average about two (2) tattoos and four (4) piercings per day. The business owner states that “all patrons sign a Age Verification Waiver along with the taking a photo copy of the patrons drivers license for proof of the patron is of legal age and all of the needles (tattoo and piercing) are new and sterilized for each procedure.” He also indicates that the facility is equipped with state of the art sterilization machines and each artist and peircer has been trained with special regard given to the sterilization procedures known to be acceptable in the industry.

Business hours are Noon to 9:00 p.m., Monday through Thursday, Noon to 11:00 p.m., Friday and Saturday, and Noon to 6:00 p.m. on Sunday. The new owner has no intent to change the current business operation. Staff is in support of the request. The Code Compliance Division staff has been working with the applicant prior to the use permit application. Staff is recommending a 1-year time frame for further review. This is consistent with previous recommendations for similar businesses. To date, no public input has been received.

**REASON(S) FOR**

**APPROVAL:**

1. The intention of the new business owner is to continue operating the tattoo and piercing parlor as the previous owner.
2. The business ownership change should not be detrimental to adjacent businesses or property owners.
3. A 1-year review period will enable the new business owner to establish a reputable track record.

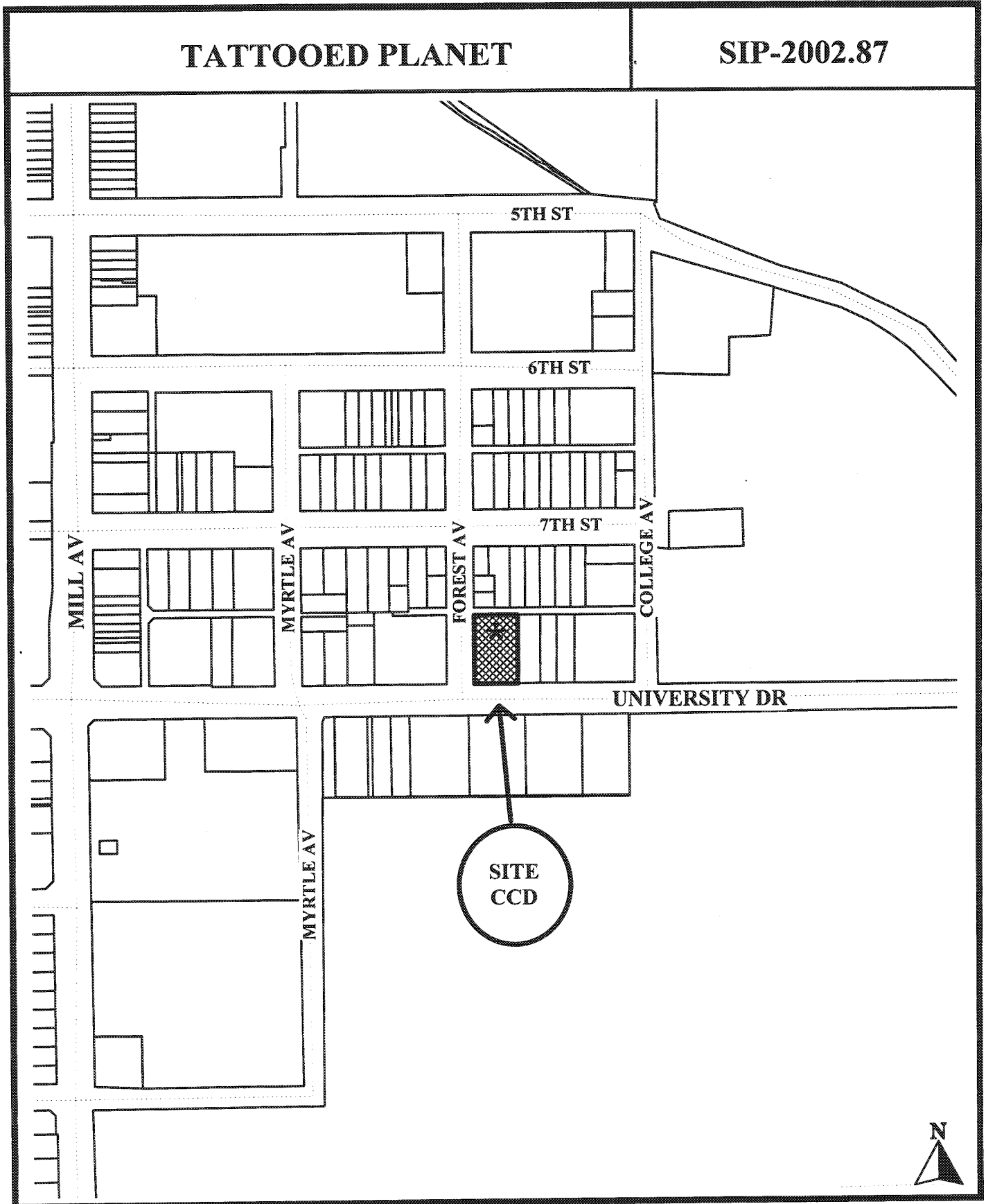
**CONDITION(S)**

**OF APPROVAL:**

1. The use permit is non-transferable and is issued to the current owner of Tattooed Planet (JGJ Enterprises Inc.) only.
2. **On or prior to December 19, 2003**, the applicant shall return to the City Council for a review of compliance with the conditions of approval.
3. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.
4. Any significant verifiable police complaints (as determined by the City Attorney and Police Dept.) shall require the applicant to return to the City Council for re-evaluation of the use permit.
5. Hours of operation are limited to Noon to 9:00 p.m., Monday through Thursday, Noon to 11:00 p.m., Friday and Saturday, and Noon to 6:00 p.m. Sunday.

**TATTOOED PLANET**

**SIP-2002.87**



**Location**

**A**



TOM PRESTON

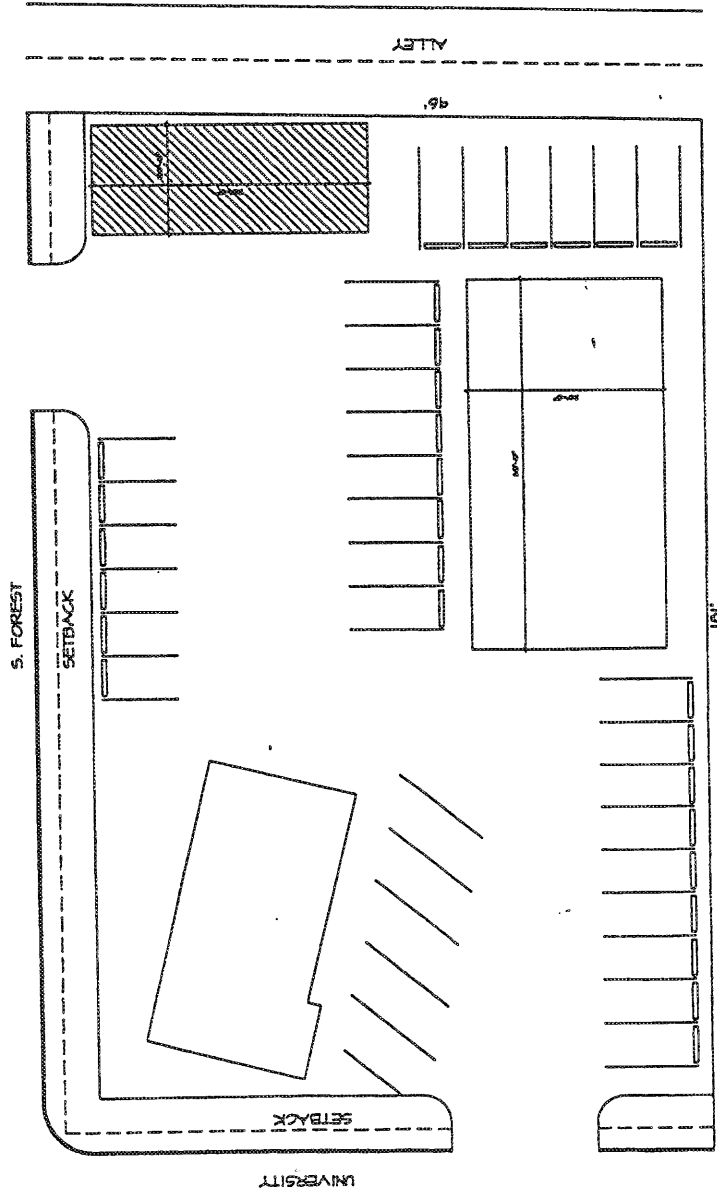
TOM PRESTON  
A SITE PLAN FOR

SITE PLAN

DATE	10/1/80
BY	Tom Preston
FOR	Tom Preston
PROJECT	Tom Preston

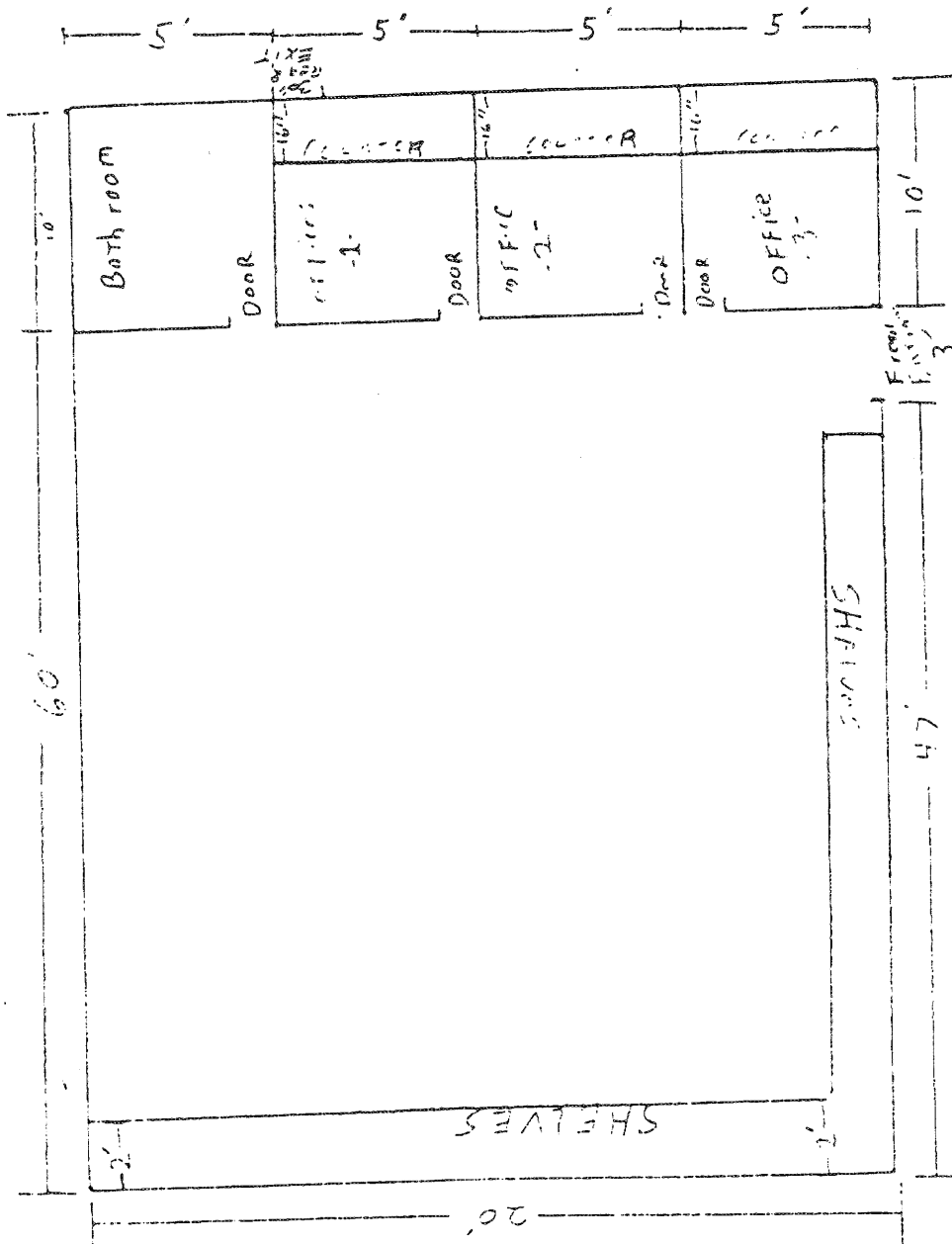
TOM PRESTON

15



SITE PLAN

B



**JGJ Enterprises Inc. is seeking a Use Permit in the City of Tempe to do business under the name of Tattooed Planet at 202 E. University Dr. This business is in the process of being Sold/Transferred to JGJ Enterprises Inc. by its Owner/Operator Tom Preston, (who is currently licensed at this location under the same name and Tempe, AZ Use permit # SIP-99.80).**

**Enclosed, please find copy of original Council approval on 10/1/99 for your reference.**

**Hours of operation will remain the same:**

**12:00 PM – 9 PM Monday thru Thursday  
12:00 PM – 11 PM Friday and Saturday  
12:00 PM – 6 PM Sunday**

**Scope of business will remain the same.**

**Breakdown of business being approximately:**

**60% Jewelry sales  
20% Tattoo Sales  
20% Body Piercing**

**D**



# TATTOOED PLANET

To whom it may concern:

Tattooed Planet located at 204 E. University Dr., is in the business of Body Piercing and Tattooing. Our business hours are from Noon daily until 9PM Monday thru Thursday, 10PM Friday and Saturday and 8PM on Sundays.

We average about 2 Tattoos per day and about 4 piercings. We generally have 1 Manager, 1 Tattoo artist and one piercer on duty during business hours.

We have ALL patrons sign an "Age Verification Waiver" along with the taking a photo copy of the patrons drivers license for proof that patron is of legal age.

ALL of our needles (Tattoo and Piercing) are NEW and sterilized for each procedure. Our facility is equipped with state of the art sterilization machines and each artist and pierce has been trained with special regard given to the sterilization procedures known to be acceptable in this industry.

If you have any questions or comments, please feel free to contact me at my Chandler office 480-205-4979.

Thank you in advance,



Glenn Rea  
JGJ Inc.

RECEIVED  
JAN 13 2000  
CHANDLER, AZ  
480-205-4979

D,

## **Tattoo Artists**

- 1. Seth Cunningham**
- 2. Pete Wilson**
- 3. Carlos Martinez**
- 4. Eric Smith**
- 5. Marco Au**

## **Piercers**

- 1. Zach Pensmith**
- 2. Harley Ray Guy**
- 3. Pete Wilson**
- 4. Nick Kisner**
- 5. Joey Conti**

RECEIVED

NOV 19 2022

1000-1000

D<sub>2</sub>

INT

ARTIST

TATTOOED PLANET  
CONSENT TO TATTOO AND WAIVER OF ALL  
CLAIMS

DATE:

PRICE:

I ACKNOWLEDGE BY SIGNING THIS RELEASE THAT I HAVE BEEN GIVEN THE FULL OPPORTUNITY TO ASK ANY AND ALL QUESTIONS, WHICH I MIGHT HAVE ABOUT OBTAINING A TATTOO FROM TATTOOED PLANET, AND THAT ALL MY QUESTIONS HAVE BEEN ANSWERED TO MY FULL AND TOTAL SATISFACTION. I SPECIFICALLY ACKNOWLEDGE I HAVE BEEN ADVISED OF MATTERS SET FORTH BELOW AND AGREES AS FOLLOWS:

- 1) I HAVE TRUSTFULLY REPRESENTED A VALID FORM OF I.D. THAT I AM OF THE AGE OF 18+
- 2) I AM NOT UNDER THE INFLUENCE OF ANY DRUGS OR ALCHOOL
- 3) I AM NOT PREGNANT OR NURSING
- 4) I DO NOT HAVE EPILEPSY, DIABETES, HEMOPHILIA, HEPATITIS, OR ANY OTHER COMMUNICABLE DISEASES
- 5) I DO NOT HAVE ANY HEART CONDITIONS, NOR DO I TAKE ANY MEDICATIONS THAT THINS THE BLOOD
- 6) I HAVE ADVISED THE TATTOO ARTIST OF ANY ALLERGIES TO SERGICAL STEEL, TITATNIUM, LATEX GLOVES, IODINE, SOAPS, AND/OR OINTMENTS. I ACKNOWLEDGE IT IS NOT REASONABLY POSSIBLE FOR THE TATTOO ARTIST TO DETERMINE WHETER I HAVE AN ALLERGIC REACTION TO THE INKS, SOAPS, OINTMENTS, ETC. OR THE PROCESS INVOLVED. I FURTHER ACKNOWLEDGE THAT SUCH A REACTION IS POSSIBLE.
- 7) I ACKNOWLEDGE THAT OBTAINING THIS TATTOO IS MY CHOICE ALONE AND WILL RESULT IN A PERMANENT CHANGE IN MY APPEREANCE.
- 8) I ACKNOWLEDGE THAT INFECTION IS ALWAYS POSSIBLE AS A RESULT IN OBTAINING A TATTOO, AND I AGREE TO FOLLOW THE AFTER CARE INSTRUCTIONS CONCERNING THE TATTOO I OBTAINED

I AGREE TO RELEASE, FOREVER DISCHARGE, AND HOLD HARMLESS TATTOOED PLANET AND ALL EMPLOYESS FROM ANY AND ALL CLAIMS, DAMAGES, OR LEGAL ACTIONS ARISING FROM OR CONNECTED TO THIS TATTOO.

NAME: \_\_\_\_\_ D.O.B. \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ LIC# \_\_\_\_\_

NAME: \_\_\_\_\_ D.O.B. \_\_\_\_\_

SIGNATURE: E \_\_\_\_\_ LIC# \_\_\_\_\_

TATTOOED PLANET  
CONSENT TO PIERCE AND WAIVER OF ALL  
CLAIMS

DATE:

PIERCING:

I ACKNOWLEDGE BY SIGNING THIS RELEASE THAT I HAVE BEEN GIVEN THE FULL OPPORTUNITY TO ASK ANY AND ALL QUESTIONS, WHICH I MIGHT HAVE ABOUT OBTAINING A PIERCING FROM TATTOOED PLANET, AND THAT ALL MY QUESTIONS HAVE BEEN ANSWERED TO MY FULL AND TOTAL SATISFACTION. I SPECIFICALLY ACKNOWLEDGE I HAVE BEEN ADVISED OF MATTERS SET FORTH BELOW AND AGREES AS FOLLOWS:

- 1) I HAVE TRUSTFULLY REPRESENTED A VALID FORM OF I.D. THAT I AM OF THE AGE OF 18+.
- 2) I AM NOT UNDER THE INFLUENCE OF ANY DRUGS OR ALCHHOOL
- 3) I AM NOT PREGNANT OR NURSING
- 4) I DO NOT HAVE EPILEPSY, DIABETES, HEMOPHILIA, HEPATITIS, OR ANY OTHER COMMUNICABLE DISEASES
- 5) I DO NOT HAVE ANY HEART CONDITIONS, NOR DO I TAKE ANY MEDICATIONS THAT THINS THE BLOOD
- 6) I HAVE ADVISED THE PIERCER OF ANY ALLERGIES TO SERGICAL STEEL, TITATNIUM, LATEX GLOVES, IODINE, SOAPS, AND/OR OINTMENTS. I ACKNOWLEDGE IT IS NOT REASONABLY POSSIBLE FOR THE TATTOO ARTIST TO DETERMINE WHETER I HAVE AN ALLERGIC REACTION TO THE INKS, SOAPS, OINTMENTS, ETC. OR THE PROCESS INVOLVED. I FURTHER ACKNOWLEDGE THAT SUCH A REACTION IS POSSIBLE.
- 7) I ACKNOWLEDGE THAT OBTAINING THIS PIERCING IS MY CHOICE ALONE AND WILL RESULT IN A PERMANENT CHANGE IN MY APPEREANCE.
- 8) I ACKNOWLEDGE THAT INFECTION IS ALWAYS POSSIBLE AS A RESULT IN OBTAINING A PIERCING, AND I AGREE TO FOLLOW THE AFTER CARE INSTRUCTIONS CONCERNING THE PIERCING I OBTAINED

I AGREE TO RELEASE, FOREVER DISCHARGE, AND HOLD HARMLESS TATTOOED PLANET AND ALL EMPLOYESS FROM ANY AND ALL CLAIMS, DAMAGES, OR LEGAL ACTIONS ARISING FROM OR CONNECTED TO THIS PIERCING.

NAME: \_\_\_\_\_ D.O.B. \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ LIC# \_\_\_\_\_

NAME: \_\_\_\_\_ D.O.B. \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ LIC# \_\_\_\_\_

**E<sub>2</sub>**

**Liquid Carma  
Tattooed Planet  
Body Piercing aftercare**

- 1. Wash area 3 x per day with antibacterial soap.**
- 2. Take 2-200mg of Ibuprofen 2 x per day for 4 days.**
- 3. Mouth piercings require mouth rinse with (brown) style mouth wash 3 x daily for 7 days.**

**Liquid Carma  
Tattooed Planet  
Tattoo Aftercare Form**

**Day 1-3**

- 1. Wash with bare hand, soap and water, 3-5 times daily. Minimum!**
- 2. When clean and dry, keep THIN coat of A&D ointment over tattoo.**
- 3. Cover with plastic wrap while in bed or covered by clothes.**

**Day 4-5**

- 1. Triple antibiotic ointment in thin coats.**
- 2. Minimize washing.**
- 3. Discontinue use of plastic wrap, even in bed.**

**Entire Second week.**

- 1. Use hand lotion without perfume, color or aloe.**

NOV 19 2002

**F**

CASE #CE024117



**City of Tempe Code Enforcement Division**

**Courtesy Notice**

*We need your help to keep our City clean.*

ATTN: JOE CONTI  
TATTOOED PLANET  
202 E. UNIVERSITY DR.  
TEMPE, AZ 85281

This is a courtesy notice to inform you that on 10/17/02, 202 E. UNIVERSITY DR.  
(date) (location)

was inspected and found to be in violation of the following subsection(s) of the Zoning Ordinance, Ordinance 808 of Tempe City Code. A re-inspection will be conducted on or after 10/24/02 to verify compliance.

☐ Section 2-1002: CCD, Uses subject to a Use Permit.

☐ Section 5-701 (A): A sign permit is required to erect, install, relocate, modify or change any sign within the city.

Additional Information/Corrective Action Required 10/24/02

**PLEASE KEEP THE PROPERTY MAINTAINED AT ALL TIMES.**

- 1) THE TATTOO BUSINESS HAS NOT BEEN APPROVED. WHEN A CHANGE OF OWNERSHIP OCCURS, IT REQUIRES A NEW USE PERMIT FOR THE NEW BUSINESS OWNER.
- 2) PLEASE OBTAIN A SIGN PERMIT FOR ALL BUSINESS SIGN (S). AN APPROVED USE PERMIT WILL BE NEEDED IN ORDER TO PROCESS FOR A SIGN PERMIT.

**PLEASE HAVE THE ENCLOSED CITY COUNCIL USE PERMIT WITH ALL REQUIRED MATERIALS SUBMITTED BY 10/24/02; THIS IS THE NEXT CITY COUNCIL SUBMITTAL DEADLINE.**

**IF APPLICATION IS NOT SUBMITTED YOU COULD BE SUBJECT TO A ZONING VIOLATION WHICH CONSISTS OF CRIMINAL CHARGES BEING FILED BY THE CITY PROSECUTOR'S OFFICE AND FINES OF \$2,500.00 PER DAY.**

**THANK YOU AND PLEASE CONTACT ME IF YOU HAVE ANY QUESTIONS.**

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in criminal charges against the property owner or responsible party.

☐ Posted to the property 10/17/02 or ☐ Mailed on \_\_\_\_\_  
Date Date

Code Enforcement Officer SHAWN DAFFARA Phone Number 480-858-2284

CE808 10/98

G